

Appl. No. 09/944,615
Amtd. Dated: November 10, 2004
Reply to Final Office Action of August 10, 2004

Docket No. PT03307U-Burgan
Customer No.: 24273

REMARKS

The issues outstanding in the instant application are as follows:

- Claims 1, 4-7, and 13-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pinter (US 5,894,506);
- Claim 8 is rejected under 35 U.S.C. § 102(e) as being anticipated by Gabrielle et al. (US 6,154,147);
- Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinter (US 5,894,506) as applied to claim 1 above, and further in view of Gabrielle et al. (US 6,154,147); and
- Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Pinter (US 5,894,506) as applied to claim 1 above, and further in view of Takahashi et al. (US 6,097,935).

The Examiner failed to reject claims 9-12 in the August 10, 2004 Final Office Action. In the spirit of cooperation with the U.S. Patent and Trademark Office, Applicant will assume that the Examiner's rejections of claims 9-12 in the January 20, 2004 First Office Action, and as summarized below, still stand.

- Claims 9-10 and 12 are (presumably) rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabrielle et al. (US 6,154,147) as applied to claim 8 above, and further in view of Nelson et al. (US 4,951,044).
- Claim 11 is (presumably) rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabrielle et al. (US 6,154,147) in view of Nelson et al. (US 4,951,044) as applied to claim 10 above, and further in view of Takahashi et al. (US 6,097,935).

Applicant traverses all the outstanding rejections and requests reconsideration and withdrawal thereof in light of the amendments and remarks contained herein.

Amendments to the Claims

All the claims have been amended to clarify that the recited message components are "message components to be displayed" and that the codes used to reduce redundancy are

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"associated with at least a portion of a previous message received by the receiving messaging device". Support for these amendments can be found in original claim 1 and on page 14 lines 4-29 and page 20 line 29 to page 22 line 27 of the originally-filed specification. See also FIG. 10 and accompanying text (where a previous message is a signature message) as well as FIG. 11 and accompanying text (where a previous message is a previously received message to which the sending messaging device is replying). Thus, no new matter has been added.

Claim 14 has been amended to clarify the language in line 3 and line 13 as well as specify an "associated sending device signature to be displayed." Support for this amendment can be found on page 15 lines 8 to page 16 line 14 of the originally-filed specification as well as page 14 lines 4-29 of the originally-filed specification mentioned previously. Thus, no new matter has been added.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment was made for the purpose of narrowing the scope of any claim, unless Applicant had argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Interview Summary

Applicant thanks the Examiner for his courtesy in extending a telephone interview with Applicant's representative on November 8, 2004. The Examiner and Applicant's representative discussed the status of the application and the Examiner's intentions upon receipt of amended claims.

35 U.S.C. § 102(b) - Pinter

Claims 1, 4-7, and 13-14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pinter (US 5,894,506). In Pinter, a calling terminal 10 sends a message with canned message codes and relevant parameters to a network operation center (NOC) 12. The NOC 12 forwards the message to a receiving terminal 14 either intact (i.e., with the canned message codes and relevant parameters) or in text format (i.e., with text equivalents replacing the canned message codes), depending on the ability of the receiving terminal to accept canned message codes.

Claim 1 has been amended to recite that the message terminal receives a message comprising "one or more message components to be displayed from a sending messaging

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device" and accesses "one or more codes representing at least one of the message components to be displayed, wherein the one or more codes are associated with at least a portion of a previous message received by the receiving messaging device" and generates a reduced messaging signal for the received message by using the one or more codes.

Claim 1 as amended is opposite to what Pinter shows and suggests. Pinter's calling terminal 10 sends a coded message that can be converted to a canned text message by a NOC 12. Claim 1 specifies message components to be displayed from a sending messaging device that can be replaced with codes by the messaging terminal. Because Pinter does not show or suggest a messaging terminal adapted to using codes representing message components to be displayed to generate a reduced message signal, amended claim 1 is not anticipated by Pinter. Claims 4-7 and 13 depend directly or indirectly upon independent claim 1 and, therefore, are also not anticipated by Pinter.

Regarding claim 14, Applicant is confused as to how the August 10, 2004 Office Action addresses "associated sending device signatures" stored in a memory of a messaging device with respect to Pinter; however, claim 14 has been amended to recite "associated sending device signatures to be displayed" to distinguish it from Gabrielle (to be discussed below).

Reconsideration and withdrawal of the rejection of claims 1, 4-7, and 13-14 under 35 U.S.C. § 102(b) as being anticipated by Pinter is respectfully requested.

35 U.S.C. § 102(e) - Gabrielle

Claim 8 is rejected under 35 U.S.C. § 102(c) as being anticipated by Gabrielle et al. (US 6,154,147). Gabrielle's signature is a unique tracking identifier transmitted with each message. See column 1 lines 46-48 and column 2 lines 9-26 of Gabrielle. Receiving an identical "signature" of Gabrielle represents receiving duplicate messages while receiving an identical "signature" of claim 8 merely represents receiving multiple messages from the same sender. Thus, claim 8 has been amended to recite a "signature to be displayed" to distinguish it from the "signature" tracking identifier of Gabrielle.

Thus, Gabrielle does not show or suggest a signature message comprising a header, a messaging terminal address, and a signature to be displayed as recited in amended claim 8. Reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 102(e) as being anticipated by Gabrielle is respectfully requested.

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35 U.S.C. § 103 - Pinter in view of Gabrielle

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinter (US 5,894,506) as applied to claim 1 above, and further in view of Gabrielle et al. (US 6,154,147). As mentioned previously, Pinter does not show or suggest a messaging terminal adapted to "receive a message comprising one or more message components to be displayed," "access one or more codes representing at least one of the message components to be displayed," and "generate a reduced messaging signal for the received message by using the one or more codes" as recited in amended claim 1. Gabrielle fails to address the shortcomings of Pinter, and thus amended claim 2 is not obvious in view of Gabrielle and Pinter. Additionally, claim 2 has been amended to recite that the "message component to be displayed" is a signature of the sending messaging device. Thus, the signature of Gabrielle, which is a unique tracking identifier and not a message component to be displayed, is not analogous to the "signature" recited in claim 2. Reconsideration and withdrawal of the rejection of claim 2 under 35 U.S.C. § 103 as being anticipated by Pinter in view of Gabrielle is respectfully requested.

35 U.S.C. § 103 - Pinter in view of Takahashi

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinter (US 5,894,506) as applied to claim 1 above, and further in view of Takahashi et al. (US 6,097,935). As mentioned previously, Pinter does not show or suggest a messaging terminal adapted to "receive a message comprising one or more message components to be displayed," "access one or more codes representing at least one of the message components to be displayed," and "generate a reduced messaging signal for the received message by using the one or more codes" as recited in amended claim 1. Although Takahashi describes greeting phrases that depend on a reception time of a received message (e.g., "Good morning!" "Hello!" "Good evening!" and "Sorry to call you at night"), Takahashi fails to show or suggest a messaging terminal adapted to "receive a message comprising one or more message components to be displayed," "access one or more codes representing at least one of the message components to be displayed," and "generate a reduced messaging signal for the received message by using the one or more codes" as recited in amended claim 1. It is conceivable that the greeting phrases of Takahashi could be made into Pinter-style canned messages, but Pinter's teaching of sending a

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coded message to a NOC would still apply and be contrary to independent claim 1. Thus, amended claim 3 (which depends directly on independent claim 1) is not obvious in view of Pinter and Takahashi. Reconsideration and withdrawal of the rejection of claim 3 under 35 U.S.C. § 103 as being anticipated by Pinter in view of Takahashi is respectfully requested.

35 U.S.C. § 103 - Gabrielle in view of Nelson

Claims 9-10 and 12 are (presumably) rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabrielle et al. (US 6,154,147) as applied to claim 8 above, and further in view of Nelson et al. (US 4,951,044). As stated previously, the "signature" of Gabrielle refers to a unique tracking identifier which is not analogous to the "signature to be displayed" of claim 8 as amended. Nelson also refers to an identifier and not a "signature to be displayed." Instead, the identifier of Nelson is a pager ID and address, which is used to route an acknowledgement that a particular sent message was received and possibly forward that particular sent message to another paging receiver.

Because the "signature to be displayed" of amended claim 8 is not an identifier used in a paging system to keep track of a particular message, claims 9-10 and 12 (which depend directly or indirectly from independent claim 8) are not obvious in view of Gabrielle and Nelson. Additionally, any redundancy reduction of Gabrielle and Nelson is employed on a message-by-message basis rather than on a text-within-a-message basis. Thus, the teachings of Gabrielle and Nelson are fundamentally different from claims 8-12. Reconsideration and withdrawal of the (presumed) rejection of claims 9-10 and 12 under 35 U.S.C. § 103 as being anticipated by Gabrielle in view of Nelson is respectfully requested.

35 U.S.C. § 103 - Gabrielle and Nelson in view of Takahashi

Claim 11 is (presumably) rejected under 35 U.S.C. § 103(a) as being unpatentable over Gabrielle et al. (US 6,154,147) in view of Nelson et al. (US 4,951,044) as applied to claim 10 above, and further in view of Takahashi et al. (US 6,097,935). As stated previously, none of Gabrielle, Nelson, or Takahashi show or suggest a "signature message" as recited in independent claim 8 or a redundancy reduced signal that "retrieves a greeting from the memory" and "displays the greeting along with the message data and the signature to be displayed on the display" as recited in amended claim 11. Additionally, the message-based redundancy reduction

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of Gabrielle and Nelson is incompatible with any potential text-based "canned message" redundancy reduction of Takahashi (in view of Pinter). Given that Gabrielle and Nelson are not combinable with Takahashi (and Pinter), and that any permutation of Gabrielle, Nelson, Takahashi (and Pinter) would not result in claim 11, reconsideration and withdrawal of the (presumed) rejection of claim 11 under 35 U.S.C. § 103 as being anticipated by Gabrielle and Nelson in view of Takahashi is respectfully requested.

SUMMARY

The application is in condition for allowance and a favorable response at an early date is earnestly solicited. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact Applicant's representative at the telephone number indicated below.

In the alternative, the Examiner is requested to enter the present amendment, as it is believed to place the application in condition for allowance or to clarify the issues for appeal.

Please charge any fees associated herewith, including extension of time fees, to **Deposit Account 502117**.

Respectfully submitted,

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10 NOV 2004

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